

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

LARRY WAYNE BARNES, SR.,                     )  
LINDA SUE BARNES,                             )  
   )  
                          Plaintiffs,                     )  
   )  
vs.   )  
   )  
CITY OF TULSA, and                             )  
RONALD PALMER, in his individual         )  
capacity.   )  
   )  
                          Defendants.                     )

Case No. 11-CV-582-HE-PJC

**JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT**

NOW ON this 11<sup>th</sup> day of March, 2014, this matter comes before the undersigned Judge. Plaintiffs, Larry Wayne Barnes Sr. and Linda Sue Barnes, appear by and through their attorney of record, J. Derek Ingle, and Defendants, the City of Tulsa and Ronald Palmer, appear by and through their attorneys of record, Gerald M. Bender, City of Tulsa Litigation Division Manager and Guy A. Fortney.

The Court, has reviewed the allegations set forth in Plaintiffs' Complaint, and has been advised that the judgment proceeds being paid by the City of Tulsa on behalf of the Defendants City of Tulsa and Ronald Palmer to the Plaintiffs herein shall be paid from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment. The Court has been further advised that the City's Mayor has authorized a compromise settlement in the sum of Four Hundred Twenty Five Thousand Dollars and 00/100 (\$425,000.00) and the Court being satisfied that Plaintiffs fully understand the nature of this action with regard to its finality which precludes additional or further compensation for damages arising from the occurrence of the event identified in Plaintiffs' Complaint and, upon being further advised by

Plaintiffs that it is their desire to settle the entirety of all claims and causes of action relating to the events identified in their Complaint, including costs and fees, upon payment in the sum of Four Hundred Twenty Five Thousand Dollars and 00/100 (\$425,000.00), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;

2. That Plaintiffs for themselves and in their representative capacity are fully aware of their rights in this matter and it is Plaintiffs' desire to compromise their right to trial by jury;

3. That Plaintiffs desire to accept as full, final and complete settlement the sum of Four Hundred Twenty Five Thousand Dollars and 00/100 (\$425,000.00), for any and all damages, losses, fees and expenses sustained as a result of the events identified in Plaintiffs' Complaint;

4. That this settlement is not an admission that the Defendants Ronald Palmer, the City of Tulsa, its officers, employees or agents, violated the constitutional rights of the Plaintiffs or was in any way negligent, but is solely a recognition of the uncertainty of trial;

5. The Plaintiffs have agreed, and understand that in consideration of the terms set out herein, that being good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby acting of their own free will and voluntarily do hereby generally and fully release the Defendants City of Tulsa and Ronald Palmer from any and all demands, causes of action, or suits whatsoever, both known, in law or in equity, arising from or related to the events described in Plaintiffs' Complaint;

6. The Plaintiffs have also agreed, and understand that in consideration of the terms set out herein, that being good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby acting of their own free will and voluntarily do hereby generally

and fully release the Defendants Ronald Palmer and City of Tulsa, its successors in interest, elected officials, officers, employees, and agents from any and all demands, causes of action, or suits whatsoever, both known and unknown, in law or in equity, arising from or related to the events described in Plaintiffs' Complaint.

7. That by agreement of the parties, the City's payment to them will stand as full compensation to the Plaintiffs in their personal and representative capacity and preclude any further or separate action by the Plaintiffs or those they represent against Ronald Palmer, the City, its elected officials, officers, employees or agents, arising from or related to the events described in Plaintiffs' Complaint;

8. The City's Mayor has formally authorized settlement of the Plaintiffs' lawsuit in the sum of Four Hundred Twenty Five Thousand Dollars and 00/100 (\$425,000.00);

9. That all parties request this court to approve and finalize their mutual settlement;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiffs for themselves and in their representative capacity have and will recover from the Defendant, the City of Tulsa, the total sum of Four Hundred Twenty Five Thousand Dollars and 00/100 (\$425,000.00), as full, final and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiffs' Complaint and that said damages shall be paid from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment; and

IT IS FURTHER ORDERED BY THE COURT that Plaintiffs' claims against the Defendants, the City of Tulsa and Ronald Palmer, are dismissed with prejudice and that payment to Plaintiffs by the City will preclude any further or separate action by Plaintiffs against Defendants Ronald Palmer, the City of Tulsa, any elected official, officer, employee or agent of

the Defendant City of Tulsa, arising from or pertaining to the events described in Plaintiffs' Complaint.

**IT IS SO ORDERED.**

Dated this 11<sup>th</sup> day of March, 2014.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

By: /s/ J. Derek Ingle  
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